THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): (a) No, Sir.

(b) and (c) Do not arise.

Change in Nationality by Tibetan Monasteries

2418. SHRI B.P. SINGHAL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Dalai Lama is running several Tibetan Monasteries in India in which the name, religion and nationality of minor Indians are being changed as Tibetan Nationals;

(b) if so, the details of the action taken by Government in the matter; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SWAMI CHINMAYANAD): (a) Government is aware that Monasteries are functioning in various parts of India. No instances, relating to forcible change in the religion and nationality of minor Indian have come to the notice of the government.

(b) and (c) Do not arise.

Review of present investigation and prosecution system

2419. SHRI EDUARDO FALEIRO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are considering review of the present investigation and prosecution system in view of recent criminal trials in Gujarat; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): (a) and (b) In order to prevent the evil of witness turning hostile in the cirminal cases, the Law Commission of India in its 178th Report has *inter alia* recommended insertion of a new section 164A in the Code of Criminal Procedure, 1973 which is as follows:

"164A (I) Any police officer making an investigation into any offence punishable with imprisonment for a period of ten years or more (with or without fine) including an offence which is punishable with death, shall in the course of such investigation, forward all persons whose evidence is essential for the just decision of the case, to the nearest Magistrate for recording their statement.

2. The Magistrate shall record the statements of such persons forwarded to him under sub-section (I) on oath and shall keep such statements with him awaiting further police report under section 173.

3. Copies of such statements shall be furnished to the investigating officer.

4. If the Magistrate recording the statement is not empowered to take cognizance of such offence, he shall send the Statements so recorded to the magistrate empowered to take cognizance of the case.

5. The statement of any person duly recorded as a witness under sub-section (1) may, if such witness is produce an examined, in the discretion of the court and subject to the provisions of the Indian Evidence Act, 1872, be treated as evidence.

3. Since the Criminal Law and Criminal Procedure are on the concurrent List of the Seventh Schedule to the Constitution of India, the Report has been referred to State Governments for their views/ comments.

4. The Malimath Committee on Criminal Justice System, which recently submitted its Report has also, recommended amendments to procedural law to make investigation and prosection more effective.

Irregularities in project on plantation of trees

2420. SHRI B.J. PANDA: : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a private contractor in connivance with MCD officials has swindled the exchequer of Rs. 18 lakhs in a project on plantation of trees etc. in Delhi;